

A: Yes, as long as the date is still within 60 days of the registration expiration date, or from the day the vehicle was removed from PNO status. However, you will have to pay another \$50, unless you were issued a no fee TOP.

**Q: If my vehicle registration has expired over 60 days and has not passed the smog certification, can a TOP be issued?**

A: No. A TOP can only be issued within 60 days of the vehicle expiration date or within 60 days from the date the vehicle was removed from PNO status.

**Q: I purchased a vehicle through a private sale, and the registration fees are due. The vehicle did not pass smog certification; will there be a fee for a TOP?**

A: No. The TOP-fee and 60-day restriction do not apply on a private party sale that requires a smog certificate. *However*, family transfers and other transactions that require biennial smog are subject to the TOP fee and 60-day restriction.

**Q: My vehicle registration expired last week, and is due for a biennial smog certification. If I pay for the registration fees and penalties, can I get a TOP?**

A: No. All vehicle registration renewal transactions requiring a biennial smog certification must *first* show proof that the vehicle failed the most recent smog test and pay the \$50 fee to receive a TOP.

**Q: If I pay for the vehicle registration renewal and \$50 for the TOP, but later decide to place the vehicle on PNO before I use the TOP, can I get a refund? If not, will I have to pay the fee when the vehicle is removed from PNO?**

A: The TOP fee is non-refundable. When the vehicle is removed from PNO, the vehicle is eligible for a TOP, and unless the owner qualifies for the CAP, they will have to pay another \$50 fee.

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DRIVING CHANGE

**Online service 24 hours a day,  
7 days a week at [www.dmv.ca.gov](http://www.dmv.ca.gov):**

- Renew your vehicle registration or driver license (see your renewal notice for the Renewal ID Number-RIN)
- Calculate registration fees
- Verify & update vehicle registration insurance suspension information
- Take a sample driver license test
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- Get forms, brochures, and handbooks
- Find answers to your DMV questions
- Make appointments (except commercial driving test\*)

**Call 1-800-777-0133 for automated service 24 hours a day, 7 days a week:**

- Make an appointment (except commercial driving test\*)
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- Get forms and publications
- Listen to general information
- Verify & update vehicle registration insurance suspension information

*\*To make a commercial driving test appointment or speak with a technician, call 1-800-777-0133 during normal business hours.*

- Between 8-5 Mon., Tues., Thurs., & Friday
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For hearing impaired services call,  
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## Temporary Operating Permit (TOP) Fee

### Fast Facts



**[dmv.ca.gov](http://dmv.ca.gov)**

## New Legislation

Effective January 1, 2009, new legislation restricts the issuance of Temporary Operating Permits (TOP) when a biennial smog certification is required. These restrictions apply to any TOP issued for the purpose of obtaining a biennial smog certification on or after January 1, 2009, regardless of the registration expiration date.

## Changes

The following changes only apply to TOP issuance for biennial smog certification:

- Vehicle owner must present the failed smog test report as evidence that the vehicle failed a biennial smog certification when requesting a TOP.
- A \$50 fee is collected when issuing a TOP for the purpose of obtaining a biennial smog certification.
- The TOP may be valid only for:
  - 60 days from the expiration date of the registration of the vehicle,
  - or
  - 60 days from the date that the vehicle is removed from Planned Non-Operation (PNO).

Example: A vehicle registration expired or was removed from PNO status on 01/15/2009. The owner presents evidence the vehicle failed smog certification on 02/10/2009. A TOP may be issued and valid until 03/15/2009.

- Only **one** biennial smog TOP per vehicle can be issued within a two-year period.

## TOP Fee Waiver

The \$50 TOP fee can only be waived if the registered owner presents a Consumer Assistance Program (CAP) letter from the Bureau of Automotive Repair (BAR) indicating the owner qualifies for repair assistance as a low-income applicant. Customers **cannot** be given a refund if the letter is shown after the \$50 fee is assessed and a TOP issued.

## BAR/CAP Letter of Eligibility for Repair Assistance

CAP low-income eligibility qualifications are based on guidelines established by the BAR. Qualifying customers must present a CAP low-income approval letter to be eligible for the TOP fee waiver.

## Background

Unless otherwise exempt, vehicles registered in areas subject to the biennial smog certification program are required to submit evidence of a smog certification every other renewal period. New legislation requires DMV to collect a \$50 fee on vehicles that fail the **biennial** smog certification if the registered owner requests a TOP. After deducting the Department of Motor Vehicle's administrative costs, the TOP fees collected are deposited into the High Polluter Repair or Removal Account, in the Vehicle Inspection and Repair Fund.

## Questions & Answers

**Q: Why is DMV charging for a Temporary Operating Permit (TOP) fee when I have evidence that my vehicle did not pass the biennial smog certification?**

A: The new law, effective January 1, 2009, requires DMV to collect a fee before issuing a temporary permit when a biennial smog certification is required and has not been completed. (*California Vehicle Code §4156*)

**Q: Do I have to pay all the appropriate vehicle registration fees prior to receiving a TOP?**

A: Yes. All fees, including any outstanding parking citations, must be paid and/or cleared before a TOP can be issued.

**Q: Do I have to present evidence that my vehicle did not pass smog certification to request a TOP?**

A: Yes. You must first provide a copy of the failed smog test report.

**Q: What is the TOP fee?**

A: The fee is \$50.

**Q: Can the fee be waived?**

A: The fee can be waived only if the registered owner provides a Consumer Assistance Program (CAP) letter from the Bureau of Automotive Repair (BAR) which indicates he/she qualifies for repair assistance as a low-income applicant. To qualify for CAP, your household income must meet the income guidelines set by BAR. Consult with the BAR for further information at <http://www.bar.ca.gov>. The fee will not be refunded if you present an eligibility letter after receiving a TOP.

**Q: How long does it take to receive the CAP letter from BAR?**

A: According to the BAR, it takes approximately 14 days to have an application for financial assistance processed and approved.

**Q: How long is the TOP valid?**

A: The TOP is valid for 60 days after the vehicle expiration date or 60 days after the date the vehicle is removed from Planned Non-Operation (PNO) status.

**Q: Where does the money go?**

A: After deducting DMV administrative costs, the fee is deposited into the High Polluter Repair or Removal Account, in the Vehicle Inspection and Repair Fund.

**Q: Can I get a second TOP if the first TOP expired and my vehicle still has not passed the smog certification?**  
A: No. Only one TOP can be issued to the same vehicle owner in a two-year period.

**Q: Can I get a second TOP if the initial TOP is lost or stolen?**